SINGLE BENCH

CF/100/-

P.R. No. 4206/06
Presented by Shri G. Mukhopadhyay
dated 31-7-06

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 4038 Of 2006

PETITIONER : Khodu Lal Tiwari S/o Shri Nanhe Lal Tiwari , aged about 50 years , Occupation service, working on the post of Beat Guard, Assistant Beat- Belgaon, Forest Range / Parichetra Janakpur , Forest Division Manindragarh District Korea (CG), r/o Village and Post Singrauli, P.S. Janakpur, District Korea (CG).

VERSUS

RESPONDENTS : 1.The State of Chhattisgarh, through the Secretary , Forest Department, Mantralay , D.K.S. Bhawan, Raipur (CG).

2. Chief Conservator of Forest , Chhattisgarh , Raipur (CG).

3. Divisional Forest Officer, Forest Division, Manendragarh, District Korea (CG).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.4038/... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10-8-2006

Mr. Gary Mukhopadhyay, counsel for the petitioner.

Mr. Sumesh Bajaj, Govt. Advocate for the State/respondents, on advance copy.

Heard both the counsel.

By the instant writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged his transfer order dated 7th July, 2006 (Annexure P-1) passed by respondent No.1, whereby the petitioner has been transferred from Janakpur Forest Range, Manendragarh to South Surguja Division.

Learned counsel for the petitioner submits that seniority of Beat Guard is maintained division wise and if the impugned order is allowed to be executed then the seniority of the petitioner will be affected, therefore, the petitioner may be allowed to make a representation to respondent No.2 to which learned counsel appearing for the State/respondents has no objection.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and without expressing any opinion on merit of the case, the request made by learned counsel for the petitioner is just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation raising all his grievances annexing a copy of the writ petition to respondent No.2 within ten days from today and respondent No.2 is directed to decide the representation within one month from the date of its receipt after considering the points raised by the petitioner, in an objective manner, on its own merits, in accordance with law. Till the representation of the petitioner is decided, the impugned order dated 7th July, 2006, in respect of the petitioner shall remain stayed.

With the directions aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.3141/2006 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

P.T.O.